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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,921	02/20/2002	Timothy J. Bloch	J267.12-0001	2203
164	7590	08/15/2005	EXAMINER	
KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002			FRANCIS, MARK P	
			ART UNIT	PAPER NUMBER
			2193	

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,921

Applicant(s)

BLOCH ET AL.

Examiner

Mark P. Francis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/12/03; 5/22/02; 9/22/03;
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the application filed on February 20, 2002.
2. Claims 1-20 have been examined.

Priority Date

3. The priority date considered for this application is February 20, 2001.

Oath/Declaration

4. The Office acknowledges receipt of a properly signed oath/declaration filed February 20, 2002.

Drawings

5. The drawings are objected to because of the following minor informality.

Figures 1,2,4, and 5 contain The XML forming part of the claimed design is a registered trademark of MIT, INRIA, or Keio on behalf of the World Wide Web Consortium. The specification must be amended to include a statement preceding the claim identifying the trademark material forming part of the claimed design and the name of the owner of the trademark.

Figures 1-5, and 11 contain the AVM forming part of the claimed design is a registered trademark of AVM GmbH. The specification must be amended to include a statement preceding the claim identifying the trademark material forming part of the claimed design and the name of the owner of the trademark.

Figure 3 contains the Netscape forming part of the claimed design is a registered trademark of Netscape Communications Corporation. The specification must be

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amended to include a statement preceding the claim identifying the trademark material forming part of the claimed design and the name of the owner of the trademark.

Figure 3 contains the Internet Explorer forming part of the claimed design is a registered trademark of Microsoft Corporation. The specification must be amended to include a statement preceding the claim identifying the trademark material forming part of the claimed design and the name of the owner of the trademark.

Specification

6. The specification is objected to because:
 - a. The use of the trademarks AVM, XML, Internet Explorer, and Netscape Navigator has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
8. A person shall be entitled to a patent unless --
 - (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-5,8-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Rice, III (U.S. Pub 2002/0174010).

Independent claims

With respect to claim 1, Rice discloses A system for deploying applications over a distributed network to web-enabled devices for interacting with a server (e.g. See Fig. 6 and related text), the server being in communication with the distributed network and having text files containing application logic, the system comprising: an application assembler for storing on each web-enabled device, the application assembler for downloading one or more text files from the server(Col 3: 0015,0016, 0083, "...continues to be downloaded..."),

retrieving program logic from each of the downloaded text files, and assembling the retrieved program logic into a functioning application; (Col 16:0148, "...download-and-run program...")

and a plugin for installation on each web-enabled device for launching the application assembler from a web page. (Col 16:0148, "...as a web browser plug-in...")

With respect to claim 8, Rice discloses A system for deploying an application over a network to Internet-enabled devices(Col 7:0096, "...web- or Internet-enabled..."), the network having a server containing one or more application logic files (e.g. See Fig. 6

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and related text), the application logic files containing embedded application logic relating to a computer program(Col 10:0111, "...have several embedded "macros" which would be..."), the system comprising:

a program assembler for storing on each Internet-enabled device, the program assembler for downloading application logic files, retrieving embedded application logic from the application logic files, (Col 3: 0015,0016, 0083,"...continues to be downloaded...", Col 9:0109, "...may contain embedded information...") and building the computer program from the retrieved embedded application logic. (Col 16:0148, "...download-and-run program...", Col 9:0107, "...information embedded...")

With respect to claim 16, Rice discloses A method for deploying a computer program over a network, the method comprising:

hosting a web page containing a software module(Col 9:0109, "...web-enabling client...") and a plugin on for installation on a client device of a user; (Col 16:0148, "...as a web browser plug-in...") launching the installed software module using the installed plugin based on instructions embedded within the web page; (Col 8:0100, "...may be installed...")

providing text files containing embedded application program logic for the software module, the text files containing embedded program logic for the computer program to the installed software module upon request; (Col 3: 0015,0016, 0083,"...continues to be downloaded...", Col 7:0097-0098, "...remote user's data file..."), and interacting with the computer program on the client device assembled from the embedded program

logic. (Col 8:0100-0102,"...After installation of the software...")

Dependent claims

With respect to claim 2, the rejection of claim 1 is incorporated and further, Rice discloses wherein the application assembler is operating system dependent. (Col 15:0143, "...running various operating systems...")

With respect to claims 3 and 12, the rejection of claims 1 and 8 are incorporated respectively and further, Rice discloses wherein the embedded application logic is operating system independent. (Col 15:0145, "...the platform, operating system, or...")

With respect to claims 4 and 13, the rejection of claims 1 and 8 are incorporated respectively and further, Rice discloses wherein the computer program provides a graphical user interface for receiving and interpreting user inputs to the web-enabled device. (Col 15:0143, "...displays the GUI for the application...", Col 11:0121, "...depicts a GUI screen...")

With respect to claim 5, the rejection of claim 4 is incorporated and further, Rice discloses wherein the functioning application processes the user inputs and interacts with a remote database for performing user instructions. (Col 13:0128, "...the database requires...", Col 22:0183,"...Tracking Database..."Col 23:0184, "...Rights Database...")

With respect to claim 9, the rejection of claim 8 is incorporated and further, Rice discloses a plugin for installation in a web-browser for running the program assembler according to instructions embedded in an Internet web page. (Col 16:0148, "...as a web browser plug-in...", Col 8:0100, "...may be installed...")

With respect to claim 10, the rejection of claim 8 is incorporated and further, Rice discloses wherein the program assembler is operating system dependent, (Col 15:0143, "...running various operating systems...")

the program assembler for assembling multiple computer programs based on the embedded application logic. (Col 9:0107, "...information embedded...", Col 9:0109, "...may contain embedded information...")

With respect to claim 11, the rejection of claim 8 is incorporated and further, Rice discloses wherein the program assembler is operating system dependent, (Col 15:0143, "...running various operating systems...", Col 9: 0109-0110, "...server-supported AppLink...")

and wherein at least two different program assemblers for at least two different operating systems on two different web-enabled devices use the embedded application logic from the text files for building a computer program having the same functionality on both web-enabled devices. (Col 7:0095, "...for various types of software applications...", Col 9: 0109-0110, "...by the server middleware...")

With respect to claim 14, the rejection of claim 8 is incorporated and further, Rice discloses wherein the web-enabled devices are selected from a group consisting of computers, workstations, personal digital assistants, wireless personal digital assistants, and web-enabled phones. (Col 5:0083, "...desktop, laptop, hand-held...", Col 7:0096, "...personal digital assistants...")

With respect to claims 15 and 20, the rejection of claims 8 and 16 are incorporated respectively and further, Rice discloses wherein the application logic files are compressed. (Col 9: 0109-0110, "...as a particular data file to open...")

With respect to claim 17, the rejection of claim 16 is incorporated and further, Rice discloses wherein the step of hosting comprises: storing a compressed file in a standard compression format on a server in communication with a network, the compressed file for automatic download and installation on the client device through a web browser. (Col 8: 0100, "...Upon download of the application code...", Col 16: 0148, "...download-and run program...")

With respect to claim 18, the rejection of claim 16 is incorporated and further, Rice discloses wherein the step of launching the installed software module comprises: embedding a launch instruction in a starter web page on the network. (Col 8: 0100,0107, "...prompting to a user to begin...")

With respect to claim 19, the rejection of claim 16 is incorporated and further, Rice discloses wherein the step of providing text files comprises: storing text files on a server in communication with a network, the text files containing embedded program logic. . (Col 9:0107, "...information embedded...", Col 9:0109, "...may contain embedded information...")

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rice in view of Lloyd. (U.S. Patent 6,779,178)

The rejection of claim 1 is incorporated and further,

Rice does not disclose a parser for extracting program logic from text files stored on the server; a script engine for interpreting scripts contained in the extracted program logic, and for providing methods to invoke script functions; and component handlers for

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rendering visual components and for processing operations specific to the visual components.

Lloyd discloses a script engine for interpreting scripts contained in the extracted program logic, and for providing methods to invoke script functions;(Col 9:27-67, "...Common Gateway Interface (CGI) scripts...")

and component handlers for rendering visual components and for processing operations specific to the visual components a parser for extracting program logic from text files stored on the server(Col 17:19-67, "...the user may select an image,...")Col 27:44-67, "...script parses...") in an analogous system for the purpose of providing for processing an image with attributes.(Col 3:27-36)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include a parser for extracting program logic to Rice's invention.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a simple way to connect various types of intelligent devices to allow for communication and sharing of resources while avoiding the interoperability and complex configuration problems existing in conventional networks.(Lloyd: Col 2, lines 1-5)

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Regarding claim 7, Lloyd discloses wherein the application assembler further comprises: a layout handler for analyzing positioning properties of a group of components and translating them into component dimensions and coordinates for display on each web enabled device.(Col 17:19-67,"...including alpha component...")

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark P. Francis whose telephone number is (571) 272-7956. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Mark P. Francis

Patent Examiner

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